

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:)	
)	CASE NO.: 23-00924
Jeremy Ryan Burton)	CHAPTER: 13
SSN# (xxx-xx-9988))	
Karolynn Nadeane Redding)	
SSN# (xxx-xx-9861))	
)	
2362 Parsonage Rd. Unit 1A)	NOTICE OF MOTION
Charleston, SC 29413)	TO EXTEND AUTOMATIC STAY
)	PURSUANT TO
Debtors.)	11 U.S.C § 362(c)(3)
)	

TO: TRUSTEE, ALL CREDITORS

PLEASE TAKE NOTICE THAT ON April 27, 2023 at 10:30 a.m., at the United States Bankruptcy Court, 145 King Street, Room 225, Charleston, SC 29401, a hearing will be held on the attached Motion.

Within fourteen (14) days after service of the attached Motion, Notice of Motion and Movant's Certification of Facts, any party objecting to the relief sought shall:

1. File with the Clerk of this Court a written objection to the § 362 Motion;
2. File with the Clerk of this Court a Certification of Facts;
3. Serve on the Movant items 1 & 2 above; and
4. File a Certificate of Service with the Clerk of this Court.

Should you fail to comply with this procedure, you may be denied the opportunity to appear and be heard on this proceeding before the Court.

DATE OF SERVICE: April 7, 2023

MOVANT: Debtors

ATTORNEY: /s/ John Christian Waites

ATTORNEY'S ADDRESS: Moss & Associates Attorneys, P.A.
2170 Ashley Phosphate Rd, Suite 405
North Charleston, South Carolina 29406
(843) 744-3002

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DISTRICT OF SOUTH CAROLINA**

IN RE:)	
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Jeremy Ryan Burton)	CASE NO.: 23-00924
SSN# (xxx-xx-9988))	CHAPTER: 13
Karolynn Nadeane Redding)	
SSN# (xxx-xx-9861))	
)	
)	
2362 Parsonage Rd. Unit 1A)	
Charleston, SC 29413)	
)	
Debtors.)	
)	

MOTION TO EXTEND AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(c)(3)

Debtors hereby move before this Court for an Order extending the automatic stay pursuant to 11 U.S.C. § 362(c)(3). In support of such, debtors represent as follows:

1. Mr. Burton filed a Petition for Relief under Chapter 13 of the Bankruptcy Code on December 28, 2022, having a case number 22-03553-eg. The case was dismissed for failure to appear at meeting of creditors and failure to make timely payments on February 15, 2023.
2. Debtors filed the above-captioned case on March 31, 2023.
3. Because Mr. Burton had a previous Chapter 13 Bankruptcy dismissed within the last year, 11 U.S.C. § 362(c)(3) provides that the automatic stay of 11 U.S.C. § 362(a) shall terminate thirty (30) days after the filing of the petition, absent an order of this Court extending the stay.
4. In order to have the stay extended, debtors have the burden of proving to the Court, pursuant to 11 U.S.C. § 362(c)(3)(B), that this case was filed in good faith.

Additionally, a presumption against good faith may arise in this case under 11 U.S.C. § 362(c)(3), because the previous case was dismissed for failure to make plan payments.

5. Debtors are informed and believe that they can prove good faith in this case which would justify an extension of the automatic stay.

6. During his previous case, Mr. Burton encountered serious health issues, including pneumonia, which required him to pay significant out-of-pocket medical costs and miss over one week of work. In addition, the debtors were in the process of moving to a new apartment which caused them unanticipated moving expenses. Due to the unanticipated moving costs, medical costs, and time off work, the debtors could not afford the trustee payment and Mr. Burton's case was ultimately dismissed.

7. In the current case, Mr. Burton has recovered from his medical issues and does not anticipate missing significant time from work in the future. Furthermore, the debtors do not anticipate moving. Debtors believe now that Mr. Burton has recovered from his medical issues and the fact they do not anticipate future time off work or moving expenses, is a change in circumstances that will allow them to make all payments in this case.

8. In the above captioned case, Debtors understand their obligations regarding their Chapter 13 bankruptcy case. Debtors intend to make all plan payments in a timely manner. Debtors have filed this case in good faith and with the intention of completing the plan.

9. Debtors are informed and believe that they will provide an acceptable Chapter 13 plan to the Court. Debtors have the ability to succeed in their Chapter 13 bankruptcy and are proceeding in good faith. As such, the debtors request that this Court extend the automatic stay as to all creditors for the duration of this case.

WHEREFORE, debtors moves before this Court for an Order extending the automatic

stay of 11 U.S.C. § 362(a) as to all creditors for the duration of this case.

/s/ John Christian Waites

John Christian Waites

Federal I.D. No. 12607

2170 Ashley Phosphate Road, Suite 405

North Charleston, South Carolina 29406

(843) 744-3002

christian@mossattorneys.com

Attorney for the Debtor

Charleston, South Carolina

April 7, 2023

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	CASE NO.: 23-00924
Jeremy Ryan Burton)	CHAPTER: 13
SSN# (xxx-xx-9988))	
Karolynn Nadeane Redding)	
SSN# (xxx-xx-9861))	
)	
2362 Parsonage Rd. Unit 1A.)	CERTIFICATION OF FACTS
Charleston, SC 29413)	
)	
Debtors.)	
)	

In the above-entitled proceeding, in which a motion to extend or impose the automatic stay is sought pursuant to 11 U.S.C. § 362(c)(3), I do hereby certify to the best of my knowledge the following:

1. Case Number(s) of Case(s) Dismissed Within the Preceding One (1) Year Period.

22-03553

2. Reason for Dismissal of Case(s) Dismissed Within Preceding One (1) Year Period. (Specifically detail the circumstances surrounding dismissal of the prior case(s). A statement such as "loss of employment" or "illness," without further specificity, may not be sufficient to rebut a presumption of lack of bad faith pursuant to 11 U.S.C. § 362(c)(3) and (c)(4).

During his previous case, Mr. Burton encountered serious health issues, including pneumonia, which required him to pay significant out-of-pocket medical costs and miss over one week of work. In addition, the debtors were in the process of moving to a new apartment which caused them unanticipated moving expenses. Due to the unanticipated moving costs, medical costs, and time off work, the debtors could not afford the trustee payment and Mr. Burton's case was ultimately dismissed.

In the current case, Mr. Burton has recovered from his medical issues and does not anticipate missing significant time from work in the future. Furthermore, the debtors do not anticipate moving. Debtors believe now that Mr. Burton has recovered from his medical issues and the fact they do not anticipate future time off work or moving expenses, is a change in circumstances that will allow them to make all payments in this case.

3. Basis for Relief and Grounds in Support, include applicable subsection of 11 U.S.C. § 362 (State with specificity).

11 U.S.C. § 362(c)(3)(B)

11 U.S.C. § 362(c)(3)(C)(I)

4. Extenuating Circumstances (not already set forth above).

See attached Motion

Date: April 7, 2023

/s/ John Christian Waites

John Christian Waites

Federal I.D. No. 12607

2170 Ashley Phosphate Road, Suite 405

North Charleston, South Carolina 29406

(843) 744-3002

Attorney for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

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2362 Parsonage Rd. Unit 1A.)	
Charleston, SC 29413)	
)	
Debtors.)	
)	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on today's date, I served, on the person and addresses shown below and on the attached mailing matrix, via USPS, Debtor's Notice of Motion and Motion to Extend Automatic Stay.

U.S. Trustee
1835 Assembly Street, Suite 953
Columbia, South Carolina 29201

James M. Wyman, Chapter 13 Trustee
VIA ELECTRONIC NOTICE

SEE ATTACHED FOR ADDITIONAL PARTIES

MOSS AND ASSOCIATES ATTORNEYS, P.A.

By: /s/ Stacey Stebbins
Stacey Stebbins
Legal Assistant
2170 Ashley Phosphate Road, Suite 405
North Charleston, South Carolina 29406
(843) 744-3002

Charleston, South Carolina

April 7, 2023

Label Matrix for Local Noticing

420-2
Case 23-00924-eg
District of South Carolina
Charleston
Thu Apr 6 17:04:39 EDT 2023

WIKEN COUNTY FAMILY COURT
ATTN: CHILD SUPPORT
FIRST FLOOR
109 PARK AVE SW
Wiken SC 29801

AUGUSTA COLLECTION AGENCY
109 MEDICAL CENTER DR. #4
Augusta GA 30909-6641

CAPTIAL ONE
PO BOX 31293
Salt Lake City UT 84131-0293

CHARLESTON COUNTY TREASURER
PO BOX 878
Charleston SC 29402-0863

REDENCE RESOURCES MANAGEMENT
222 TRINITY MILLS, SUITE 260
Dallas TX 75287-7666

CREDIT FIRST
275 EASTLAND ROAD
Brookpark OH 44142-1399

THE HOMES OF CHARLESTON
1024 FIELDSTONE CIRCLE
Charleston SC 29414-7571

IC SYSTEMS
PO BOX 64378
Saint Paul MN 55164-0378

OHLS
PO BOX 3115
Milwaukee WI 53201-3115

U.S. Bratton Davis United States
Bankruptcy Courthouse
1100 Laurel Street
Columbia, SC 29201-2423

AT&T
PO BOX 10330
Fort Wayne IN 46851-0330

BANK OF MISSOURI
2700 S LORRAINE PLACE
Sioux Falls SD 57106-3657

(p)CARMAX AUTO FINANCE
225 CHASTAIN MEADOWS CT
KENNESAW GA 30144-5942

CONVERGENT OUTSOURCING
1040 STEVENS CREEK RD.
Augusta GA 30907-3204

CREDIT ACCEPTANCE
25505 W 12 MILE ROAD. STE 3000
Southfield MI 48034-8331

CREDIT FIRST NATL ASSOC
PO BOX 8135
Cleveland OH 44181-0315

FIRST PREMIER BANK
605 S MINNESOTA AVE
Sioux Falls SD 57104-4824

IRS
PO BOX 7346
Philadelphia PA 19101-7346

Karolynn Nadeane Redding
2362 Parsonage Rd. Unit 1A
Charleston SC 29414-6313

ARROWS
2049 SAVANNAH HWY, STE 2
Charleston SC 29407-2228

ATHENA HEALTH
311 ARESENAL STREET
Watertown MA 02472-2785

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

CHARLESTON COUNTY CLERK OF COURT
100 BROAD STREET, STE 106
Charleston SC 29401-2210

CONVERGENT OUTSOURCING
800 SW 39TH STREET
Renton WA 98057-4927

CREDIT COLLECTION SERVICES
PO BOX 607
Norwood MA 02062-0607

Directv, LLC
by American InfoSource as agent
PO Box 5072
Carol Stream, IL 60197-5072

IC SYSTEM
PO BOX 64378
Saint Paul MN 55164-0378

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

LANIER COLLECTION AGENCY
18 PARK OF COMMERCE BLVD.
Savannah GA 31405-7410

WNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

MICHELLE THOMAS
1524 PINOCH ROAD
Aiken SC 29803-5721

(p) NATIONAL CREDIT SYSTEMS
ATTN BANKRUPTCY
PO BOX 672288
MARIETTA GA 30006-0039

AVANTAGE
217 STONE ST.
Jonesboro AR 72401-4520

PEN FED CREDIT UNION
2930 WISENHOWER AVE.
Alexandria VA 22314-4557

(p) PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

RESTIGE FINANCIAL
51 W OPPORTUNITY WAY
rapar UT 84020-1399

(p) PARAMOUNT RECOVERY SYSTEMS
ATTN SUSAN SANCHEZ
7524 BOSQUE BLVD SUITE L
WACO TX 76712-3772

REGIONS BANK
PO BOX 2527
Mobile AL 36652-2527

ESURGENT CAPITAL SERVICES
PO BOX 1269
Greenville SC 29602-1269

RNR TIRE
7001 RIVERS AVENUE
Charleston SC 29406-4606

SC DEPT OF CHILD SUPPORT ENFORCEMENT
PO BOX 1489
Columbia SC 29202-1489

SC DEPT OF REVENUE
PO BOX 12265
Columbia SC 29211-2265

SC FEDERAL CREDIT UNION
POB 190012
North Charleston SC 29419-9012

SPERO FINANCIAL CREDIT UNION
PO BOX 10708
Greenville SC 29603-0708

STAFFORD GROUP AND ASSOCIATES
940 W ORANGEWOOD AVE., SUITE 211
Orange CA 92868-5042

STATE CREDIT UNION
PO BOX 726
Columbia SC 29202-0726

(p) T MOBILE
C O AMERICAN INFOSOURCE LP
4515 N SANTA FE AVE
OKLAHOMA CITY OK 73118-7901

Trident Regional Medical Center
Resurgent Capital Services
PO Box 1927
Greenville, SC 29602-1927

US AUTO FINANCE
824 N MARKET STREET, STE 220
Wilmington DE 19801-3024

VERIZON
PO BOX 650051
Dallas TX 75265-0051

WEST ASHLEY MAGISTRATE
720 SAM RITTENBERG BLVD, #11
Charleston SC 29407-8900

WORLD FINANCE
108 FREDRICK STREET
Greenville SC 29607-2532

James M. Wyman
PO Box 997
Mount Pleasant, SC 29465-0997

Jeremy Ryan Burton
362 Parsonage Rd. Unit 1A
Charleston, SC 29414-6313

John C Waites
Moss & Associates Attorneys P.A.
2170 Ashley Phosphate Rd.
Ste 405
North Charleston, SC 29406-4178

US Trustee's Office
Strom Thurmond Federal Building
1835 Assembly Street
Suite 953
Columbia, SC 29201-2448

NATIONAL CREDIT SYSTEMS
POB 312125
Atlanta GA 31131

PORTFOLIO RECOVERY
120 CORPORATE BLVD, SUITE 100
Norfolk VA 23502

Paramount Recovery
7524 Bosque Blvd
Waco TX 76712

MOBILE
PO BOX 37380
Albuquerque NM 87176

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

d)Karolynn Madeane Redding	End of Label Matrix	
362 Parsonage Rd. Unit 1A	Mailable recipients	56
Charleston, SC 29414-6313	Bypassed recipients	1
	Total	57